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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,527	09/15/2003	Ikuya Arai	HIT 2 690	8024

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
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SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/661,527

Applicant(s)

ARAI ET AL.

Examiner

SrilaKshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following office action is in response to the amendment filed on June 8, 2006. Claims 16-27 are pending. Claims 16, 19-21, 24 and 25 have been amended. Claims 26 and 27 are newly added.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/438911, filed on May 10, 1995.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 16-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claims 16, 21 and 26, applicant amends the limitations to teach “a memory which is within said display apparatus”, there is no teaching of where the memory is within said display apparatus in the specification of the instant application. Examiner requests the applicant specifically point out in the specification where support for this amendment can be found.

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With respect to dependent claims 17-20, 22-25 and 27, these claims are also rejected as they depend upon a rejected base claim.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 16-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,686,895. Although the conflicting claims are not identical, they are not patentably distinct from each other as shown in the comparison table below.

Instant Application 10/661527	US 6,686,895
Claim 16	Claim 1
A display apparatus connectable to an external computer for displaying an image on a screen on the basis of video and synchronization signals from said external computer, comprising:	A display unit for displaying an image based on a video signal received from an external computer which is connected to an input device, the display unit being separate from the external

<p>a memory <i>which is within said display apparatus</i>;</p> <p>a receiver which receives a control signal to control said displayed image, which is generated by operating an input unit of said external computer wherein said display apparatus is configured to be separate from said external computer;</p> <p>and a control circuit which controls said image on said screen using control data included in said control signal received through said receiver and writes said control data into said memory, wherein said control circuit reads control data from said memory when said display apparatus is turned on and controls said displayed image on said screen by using said control data read out from said memory.</p>	<p>computer and comprising:</p> <p>a receiving/transmitting unit receiving from said external computer a first control signal generated in response to a control instruction inputted through said input device connected to said external computer and</p> <p>a second control signal generated based on a program running on said external computer and transmitting an acknowledge signal to said external computer to inform that said first and second control signals are received;</p> <p>and a memory having stored therein control data regarding displaying of the image;</p> <p>wherein the image is controlled and displayed by using said input device connected to said external computer based on said first control signal and said control data is read from said memory in response to said second control signal thereby to control the image.</p>
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As shown from the table above, the claims, while not exact, are similar to one another.

The combination of the receiver and control circuit of the instant application corresponds to the receiving/transmitting unit of the patented case. The instant application claims a memory within the display which is not claimed by the patent case. Applicant will note the 35 USC 112, rejection shown above in regards to this limitation. Further, Examiner takes Official Notice that a memory which is within said display apparatus is well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include internal memory in a

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display device as the internal memory enables images to be displayed. Therefore, the claims of both the instant application and patented case claim similar subject matter.

While only claim 16 is compared with claim 1, claims 17-27 are similarly rejected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel et al (US 4,415,985).

As to independent claims 16, 21 and 26, McDaniel et al disclose a display apparatus (Fig. 1, item 64) to an external computer (Fig. 1, item 50) for displaying an image on a screen on the basis of video and synchronization signals from said external computer (col. 6, lines 15-25), comprising; a memory (Fig. 1, item 6, col. 3, lines 27-29, col. 4, lines 1-2); a receiver which receives a control signal to control said image, which is generated by operating an input unit of said external computer (col. 5, lines 60-col. 6, lines 10, col. 10, lines 24-39), wherein said display apparatus is configured to be separate from said external computer (Fig. 1, item 64); a control circuit which controls said image on said screen using control data included in said control signal received through said receiver and writes said control data into said memory (col. 5, lines 64-col. 6, lines 10); wherein said control circuit reads control data from said memory when said display apparatus is turned on and controls said image on said screen by using said control data read out from said memory (col. 6, lines 29-58).

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McDaniel does not teach where a memory is within a display apparatus. Examiner takes Official Notice that a memory is within a display apparatus is well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include internal memory in a display device as the internal memory enables images to be displayed.

As to dependent claims 17 and 22, limitations of claims 16 and 21, and further comprising, McDaniel et al disclose wherein said memory is made of an eeprom (col. 1, lines 27-29).

As to dependent claims 18 and 23, limitations of claims 16 and 21, and further comprising, McDaniel et al disclose means for sending an acknowledge signal indicating receipt of said control signal to said external computer (col. 5, lines 3-7, requiring a ready signal and col. 5, lines 29-38, sending an acknowledge signal).

As to dependent claims 19 and 24, limitations of claims 16 and 21, and further comprising, McDaniel et al disclose wherein said input unit is a mouse (col. 10, lines 31-33).

As to dependent claims 20 and 25, limitations of claims 16 and 21, and further comprising, McDaniel et al disclose wherein said input unit is a keyboard (col. 10, lines 31-33).

As to dependent claim 27, limitations of claim 26, and further comprising, McDaniel et al disclose wherein said visual characteristic of said image is at least one of a display size, a display position and a brightness of said image (col. 6, lines 1-10).

Response to Arguments

8. Applicant's arguments filed February 1, 2007 have been fully considered but they are not persuasive.

Applicant argues on page 8, where the PROM of McDaniel is within the single unit driving apparatus that is much different from the display apparatus of the present invention which is connectable to an external computer. Examiner, respectfully, disagrees. The prior art of McDaniel teaches a driving circuit for selectively displaying on the screen of a CRT. The CRT is item 64 in Fig. 1, which is externally connected to the computer. Applicant argues of where the memory of the present invention is within the display apparatus. Examiner, respectfully, disagrees. There is no support in the specification that the memory as claimed is within the display apparatus. Actually, the memory as described in the specification is not internal to the display apparatus.

Applicant argues on pages 10-11 and 14-16, where the prior art, McDaniel, does not teach the limitation of "the control circuit reads control data from the memory when the display apparatus is turned on and controls the displayed image on the screen by using the control data read out from the memory". Examiner, respectfully, disagrees. McDaniel teaches in col. 5, lines 60-col. 6, line 10, where the CRT controller generates signals to be used by the CRT and further receives data from the DMA controller and uses it in order to control the characters/images to be displayed on the CRT. And in col. 6, lines 29-58, McDaniel teaches where the control circuit controls image data, control logic, video control, timing, and read-write data.

Applicant argues on pages 12-14, where McDaniel does not teach the adjustment of a display size, a display position and brightness of a picture in the display unit as explained in the present invention. Applicant does not claim the features of display size, a display position and a brightness of a picture in the display unit. Applicant claims control data which is broadly interpreted.

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Applicant argues on pages 16-17, where in the present invention, the control is directed to the image and not to the characters themselves. Examiner contends that a “signal” or “image” of the present invention is one and the same as the “character” disclosed by McDaniel. The “character” of McDaniel is also an image being displayed. Further, Applicant has failed to explain how the “signal” or “image” of the instant application is different than the “character” different from the “character” as disclosed by McDaniel.

With respect to the new limitation of where the memory is within the display apparatus, see the 35 USC 112, 2nd paragraph rejection above.

Please note the Double Patenting rejection above.

As shown from the above, the limitation set forth in the instant application are taught by the prior art of McDaniel et al, therefore, the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

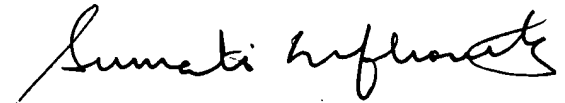
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K Kumar
Examiner
Art Unit 2629

SKK
April 12, 2007



**SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER**